UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

REBECCA PETERSON
Plaintiff
vs.
CIVIL COMPLAINT

RJM ACQUISTIONS FUNDING, LLC
Defendant

NO SUMMONS ISSUED

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Rebecca Peterson, by and through her undersigned counsel, Bruce K. Warren, Esquire of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Rebecca Peterson, is an adult natural person and she brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C.
 § 1337.

3. Venue in this District is proper in that the Defendant maintains a principle address in this District.

III. PARTIES

- 4. Plaintiff, Rebecca Peterson is an adult natural person residing at 213

 Dreamcatcher Drive, Winchester, VA 22603. At all times material and relevant hereto,

 Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a (2).
- 5. Defendant, RJM Acquisitions Funding, LLC ("Defendant"), at all times relevant hereto, is and was a Limited Liability Corporation engaged in the business of collecting debt within the States of Virginia and New York with its principal place of business located at 575 Underhill Boulevard, Suite 224 Syosset, NY 11791.
- 6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

- 7. On or around March 7, 2011, Plaintiff received a letter from Defendant dated March 3, 2011 regarding an alleged debt due to Fingerhut for the amount of \$269.38. See Exhibit "A" attached hereto.
- 8. Defendant's letter was addressed to the Plaintiff using the Plaintiff's former married name which indicated that the alleged debt is over 11 years old. Defendant's letter also contained a previous address of Plaintiff's but did not indicate the correct city.

- 9. Defendant's letter listed three opportunities available to Plaintiff for paying off the alleged debt.
- 10. On the reverse side of Defendant's letter, Defendant included a "Statement Listing" of the items Plaintiff allegedly purchased from Fingerhut. See Exhibit "B" attached hereto.
- 11. Defendant's letter states that Defendant purchased the alleged account on August 16, 2002 for purchases allegedly made in 1997.
- 12. Plaintiff had never been contacted prior to Defendant's March 3, 2011 letter regarding this alleged debt.
- 13. On or around March 9, 2011, Plaintiff sent Defendant a letter requesting validation from Defendant regarding the alleged debt. See Exhibit "C" attached hereto.
- 14. Plaintiff sent the aforementioned letter to Defendant via certified mail, return receipt requested. See Exhibit "D" attached hereto.
- 15. Defendant received Plaintiff's letter on March 12, 2011, as per search results on the United States Postal Service website. See Exhibit "E" attached hereto.
- 16. On or around March 21, Plaintiff received a letter from Defendant dated March 16, 2011 stating that Defendant enclosed a response to Plaintiff's inquiry regarding the alleged debt. See Exhibit "F" attached hereto.
- 17. Defendant's second letter reiterated what Defendant's first letter stated only in the second letter, Defendant included the date of Plaintiff's alleged last payment and the amount paid.

privacy, damage to Plaintiff's credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and pecuniary loss and they will continue to suffer same for an indefinite time in the future, all to their great detriment and loss.

COUNT I – FDCPA

- 27. The above paragraphs are hereby incorporated herein by reference.
- 28. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a "debt" as defined by 15 U.S.C. § 1692a(5).
- 29. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

\$\\$ 1692d: Any conduct the natural consequence of which is to harass, oppress, or abuse any person
\$\\$ 1692e: Any other false, deceptive, or misleading representation or means in connection with the debt collection
\$\\$ 1692e(2): Character, amount, or legal status of the alleged debt
\$\\$ 1692e(10): Any false representation or deceptive means to

collect a debt or obtain information about a consumer

§§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant, RJM Acquisitions Funding, LLC for the following:

a. Actual damages;

Date: April 28, 2011

- b. Statutory damages pursuant to 15 U.S.C. § 1692k;
- c. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- d. Such additional and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN WULLINGS, LLP

BY: /s/ Bruce K. Warren, Esquire

Warren & Vullings, LLP 93 Old York Road Suite 333 Jenkintown, PA 19046 215-745-9800 Fax 215-745-7880 Attorneys' for Plaintiff

Exhibit "A"

Case 1:11-cv-02148-JG-CLP Document 1 Filed 05/02/11

RJM Acquisitions Funding LLC 575 Underhill Blvd., Suite 224 Syosset, NY 11791-3416

777 1073 00233468 823310

0029537676000002RJMPN1030311

PERSONAL & CONFIDENTIAL

Page / Ot 20 Page 10 77 IN Acquisitions Funding LLC 575 Underhill Blvd. Suite 224 Syosset, NY 11791-3416 Fax No. (516) 714-1310 www.rjmacqny.com Mon-Thurs 8am-7pm, Fri 8am-3pm March 3, 2011

RJF

1-800-644-8075 Access Code •

See Back of Letter for a Statement Listing the Items You Purchased That Add Up to \$269.48.

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REBECCA A RICHARDS 213 DREAMCATCHER DR **WINCHESTER VA 22603-2356**

Dear Rebecca A Richards:

RJM Acquisitions Funding LLC ("RJM") has purchased the following account:

RJM Purchased Your ► FINGERHUT ACCOUNT FINGERHUT ACCOUNT# ►

A Previous Address of Yours >

5720 HARR AVE APT A COLORADO SPRINGS, CO 80902-1919

Balance Due ▶ \$269.48

OPPORTUNITY #1 SETTLE THIS ACCOUNT FOR \$107.79 (A 60% DISCOUNT)

You can settle this account with a lump sum payment of \$107.79, a 60% discount off the balance due of \$269.48.

OPPORTUNITY #2

SETTLE THIS ACCOUNT FOR \$161.68 (A 40% DISCOUNT) PAYABLE AT \$32.33 PER MONTH

If you can send \$32.33 per month, then you can settle this account for \$161.68, a 40% discount off the balance due of \$269.48.

OPPORTUNITY #3

RJM is pleased to accept \$16.16 per month until the balance due of \$269.48 is paid.

Please respond by April 17, 2011. When you finish paying, your account will be Satisfied in Full.

YOU CAN PAY BY: Check, Check by Phone, Money Order, VISA (Debit or Credit), American Express, MasterCard (Debit or Credit), WESTERN UNION QUICK COLLECT.

To pay this account over the phone, call 1-800-644-8075

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

See back of letter for important information.

This communication is from a debt collector.

▲ Detach Here EA A RICHARD

▼ Detach Here ▼

Re: REBECCA A RICHARDS	V Cetach Hei
Re: REBECCA A RICHARDS Please respond by April 17, 2011 Yes! I like:	FINGERHUT ACCOU ^{*TT} Access code RJM Toll Free 1-800-644-8
OPPORTUNITY #1: Enclosed is my payment of \$107.79 (a 60% discount). My account is now satisfied in full.	
OPPORTUNITY #2: Enclosed is my first payment of \$32.33 towards the settlement balance of \$161.68 (a 40% discount). Please send me a receipt.	Email Address: PLEASE COMPLETE IF PAYING BY DEBIT/CREDIT CARD.
OPPORTUNITY #3: Enclosed is my first payment of \$16.16 towards the balance due of \$269.48. Please send me a receipt.	
Other:	Expiration Date: Amount:\$

Exhibit "B"



IMPORTANT INFORMATION

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

Account Information			
and a second and the			
A Previous Address of Yours	5720 HARR AVE APT A COLORADO SPRINGS, CO 80902-1919		
an an Dale and Marine has build sva elegant at 💆 🕾	August 16 2007 Street Agency Control Control		

FINGERHUT ACCOUNT STATEMENT			
PRODUCT DESCRIPTION	DATE	ITEM#	Amount
TOYBOX /BKCASE STRYT	PURCHASED 05/1997	ITEM 13510375	\$28.74
BEO SET FLOBROGADEN SANCTANTAL	PURCHASED 05/19972	11EN 635364801	552.74
CAROUSEL GOOD TIMES	PURCHASED 09/1997	ITEM 75807521	\$188.00

000 002		00233468
ng ang ang ang ang ang ang ang ang ang a	age one part of the second of	and the second of the second o
Name (please print clearly)		Access code
Address	Apt. No.	Re: REBECCA A RICHARDS Account Balance: \$269.48
City	State Zip	-
☐ Check here if your	address has changed.	Email Address:
Make changes abov		☐ My name has changed to:
		New Name
Make your check or money order		

 Make your check or money order payable to RJM Acquisitions Funding LLC.

RJM Acquisitions Funding LLC 575 Underhill Blvd. Suite 224 RJF Syosset, NY 11791-9827

√ Write Access code 332128376936 on your payment or correspondence.

PN 1 213 DREAMCATCHER DR 3/3/11

Exhibit "C"

Rebecca Peterson 213 Dreamcatcher Drive Winchester, Virginia 22603

RJM Acquisitions Funding LLC Suite 224 575 Underhill Blvd Syosset, NY 11791-3416

March 09, 2011

Dear Collection Manager, Re: Your Access Code

ingerhut Account#

This letter is in response to a collection notice which I received from your company, dated March 3, 2011. Your letter states that your agency is attempting to collect a debt pertaining to a creditor listed as Fingerhut, dated August 16, 2002, with alleged purchases dated May, 1997. Prior to March 09, 2011 I have never been notified of this collection/alleged debt.

As per the FDCPA, I have the right to request a validation of this debt. I request you to prove that I am indeed the party who is by contract obligated to pay off this debt. In addition, I request all future contact from your company via the United States Postal Service. I also do not authorize you to contact a third party regarding the alleged debt.

I hope you are aware of the fact that reporting any invalidated information to major credit bureaus may constitute defamation of character, as a negative listing on a credit report does not allow me to enjoy the benefits of good credit. In addition, you must also be aware that until you validate this debt, you can neither continue collection activities nor report this information on my credit report. I'm sure your legal staff will agree that non-compliance with this request is likely to put your company in serious legal trouble with the Federal Trade Commission (FTC) and other state/federal agencies.

Please attach copies of the following documents:

- 1. Agreement with your client that authorizes you to collect on this alleged debt.
- 2. Agreement that bears signature of the alleged debtor wherein he promises to pay the creditor.
- 3. Complete payment history on this account so as to prove that the debt amount you wish to collect is correct.
- 4. Proof that your company is licensed to collect debts in the state in which I reside.
- 5. Proof that the alleged debt is not past the state of Virginia's statute of limitations.

Please also be advised that I will be forwarding all correspondence to my attorney.

With regards,

s/Rebecca Peterson

Exhibit "D"

Case 1:11-cv-02148-JG-CLP SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. A. Signature Agent Print your name and address on the reverse ☐ Addressee so that we can return the card to you. B. Received by (Printed Name), Amanda Komornik C. Date of Delivery Attach this card to the back of the mailpiece. or on the front if space permits. 1. Article Addressed to: If YES, enter delivery address below: RJM Acquisitions Funding LLC Scute 224 575 Underhill Blud Service Type Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise Sypsset, NY ☐ Insured Mail ☐ C.O.D. 1791-3416 4. Restricted Delivery? (Extra Fee) ☐ Yes 7010 3090 0002 2544 5921 2. Article Number

> STEPHENS CITY POST OFFICE STEPHENS CITY, Virginia 226559998 5165430311 -0098 03/10/2011 (800) 275-8777 11:17:57 AM

(Transfer from service label) PS Form 3811, February 2004

Sales Receipt Product Final Sale Unit Description Price Qty Price SYOSSET NY 11791 Zone-3 \$0.44 First-Class Letter 0.50 oz. Expected Delivery: Sat 03/12/11 Return Ropt (Green Card) \$2.30 Certified \$2.80 Label #: 70103090000225445921 =======

\$5.54

\$5.54

Total: \$5.54

Paid by: MasterCard XXXXXXXXXXXX2975 Account # Approval #: 769617

Issue PVI:

Transaction #: 495 23 903321198

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS. ******************** ***************** Get your mail when and where you want it

with a secure Post Office Box. Sign up for a box online at usps.com/poboxes. ****************** ******************

BilJ#: 1000202626452

Clerk: 01

All sales final on stamps and postage Refunds for guaranteed services only Thank you for your business **************************** ************ 142

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3040	Restricted Delivery Fee (Endorsement Required)		\$0,00		
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102595-02-M-1540

Domestic Return Receipt

Exhibit "E"



Home | Help | Sign In

Track & Confirm

FAQs

Go>

Track & Confirm

Search Results

Label/Receipt Number: 7010 3090 0002 2544 5921

Expected Delivery Date: March 12, 2011

Class: First-Class Mail® Service(s): Certified Mail™ Return Receipt

Status: Delivered

Your item was delivered at 12:01 pm on March 14, 2011 in SYOSSET. NY 11791.

Detailed Results:

- Delivered, March 14, 2011, 12:01 pm, SYOSSET, NY 11791
- Arrival at Unit, March 14, 2011, 6:43 am, SYOSSET, NY 11791
- Acceptance, March 10, 2011, 11:17 am, STEPHENS CITY, VA 22655

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. (60)

Track & Confirm

Enter Label/Receipt Number.

Site Map

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Forms

Gov't Services

Careers

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Business Customer Gateway

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Exhibit "F"

RJM ACQUISITIONS FUNDING LLC 575 Underhill Blvd. Suite 224 Syosset, NY 11791 1 (800) 886-0026 Toll Free Fax # (516) 714-1310

March 16, 2011

REBECCA A RICHARDS 213 DREAMCATCHER DR WINCHESTER VA 22603-2356

Regarding Your:

FINGERHUT

Regarding Account#: RJM File Number:

Account Balance:

\$269.48

Dear REBECCA A RICHARDS:

Please review the enclosed documents we have provided in response to your inquiry regarding the above referenced account.

If you believe any information contained in this letter or the enclosed documents is not accurate, kindly complete the enclosed Inaccuracy/Dispute form and return it to us using the postage paid envelope provided.

RIM ACQUISITIONS FUNDING LLC is the owner of this account.

Very truly yours,

Jamie Rozansky

Director of Operations

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

AKOMRJM 000 002

Account Information

March 16, 2011

Re:

Address:

REBECCA A RICHARDS 213 DREAMCATCHER DR

WINCHESTER VA 22603-2356

RJM File Number:

Name and Address of the

FINGERHUT

Original/Previous Creditor:

16 MCLELAND RD, ST. CLOUD, MN 56303

Regarding Account#:

A previous address of yours:

5720 HARR AVE APT A

COLORADO SPRINGS

CO 80902-1919

Amount of your last payment: \$18.80

Date of your last payment:

12/12/1997

Account Balance:

\$269.48

RJM ACQUISITIONS FUNDING LLC is the owner of this account.

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

AKOMRJM

000 002

FINGERHUT STATEMENT FOR: REBECCA A. RICHARDS

PRODUCT DESCRIPTION: TOYBOX/BKCASE STRYT

SALE'S DATE: 05/97 SALE'S PRICE: 57.48

ORDER NUMBER: 13510375 SEQ. NUMBER: 13201

BALANCE DUE: 28.74

PRODUCT DESCRIPTION: BED SET FL -BROCADE SALE'S DATE: 05/97 SALE'S PRICE: 105.48

ORDER NUMBER: 63536480 SEQ. NUMBER: 13201

BALANCE DUE: 52.74

PRODUCT DESCRIPTION: CAROUSEL GOOD TIMES

SALE'S DATE: 09/97 SALE'S PRICE: 225.60

ORDER NUMBER: 75807521 SEQ. NUMBER: 13202

BALANCE DUE: 188.00

Exhibit "G"

RJM ACQUISITIONS FUNDING LLC 575 Underhill Blvd. Suite 224 Syosset, NY 11791 1 (800) 886-0026 Toll Free Fax # (516) 714-1310

March 16, 2011

REBECCA A RICHARDS 213 DREAMCATCHER DR WINCHESTER VA 22603-2356

INACCURACY/DISPUTE FORM

Regarding Your: Regarding Account#: RJM File Number:	FINGERHUT		
Dear REBECCA A RICHARDS:			
If you believe any information concerning using the postage paid envelope provided	g this account is not accurate, k . Please also include any docun	indly complete this inaccuracy/onentation you may have to supp	dispute form and return it to us ort your claim.
Reason(s) for inaccuracy/dispute; (Pleason(s) for inaccuracy/dispute; (Pleason Not my social security number Never signed application My wallet/purse was lost My wallet/purse was stolen My identity was stolen Never applied for this account Never lived at address on record Account included in bankruptcy; ca My spouse/family member Other PLEASE GIVE AN EXPLANATION Comments.	Never receive I was a mind I was only a I was only a I was only a I was only a Account was Account was I am responsible I am responsible I is responsible I is responsible I was responsible.	yed credit card/checks in the may when account was opened (plus authorized user of this account was opened after my divorce a settled/paid. Please provide prance is not accurate. Balance shible for the sum of ate ; discharge assible	lease provide proof) It (not a responsible party) Toof. Toold be date
IF YOU BELIEVE YOU ARE <u>NOT</u> RI RESPONSIBLE FOR THE ACCOUNT		COUNT, PLEASE KINDLY	ADVISE US BELOW WHO IS
Name of Person Responsible for the Acco		Date of Birth:	
		ocial Security Number:	
Address:	E	Susiness Address:	
Home Phone #		Business Phone #	
Do you have written proof of the inaccu	•	Vas a police report filed?	a copy of the police report to thi
this form. □ No		form. No	
	xSignat	ure x	Date
AKOMRJM	_		000 002

Exhibit "H"

RJM ACQUISITIONS FUNDING LLC 575 Underhill Blvd. Suite 224 Syosset, NY 11791 1 (800) 886-0026 Toll Free Fax # (516) 714-1310

March 16, 2011

REBECCA A RICHARDS 213 DREAMCATCHER DR WINCHESTER VA 22603-2356

INACCURACY/DISPUTE FORM

Regarding Your: Regarding Account#: RJM File Number:	FINGERHUT		
Dear REBECCA A RICHARDS:			
If you believe any information concerning using the postage paid envelope provide	g this account is not accurate, kindly complete this inaccuracy/dispute form and return it to us. Please also include any documentation you may have to support your claim.		
Reason(s) for inaccuracy/dispute: (Ple	se check ALL boxes that apply)		
☐ Not my social security number	Never received credit card/checks in the mail		
Never signed application	☐ I was a minor when account was opened (please provide proof)		
☐ My wallet/purse was lost	☐ I was only an authorized user of this account (not a responsible party)		
☐ My wallet/purse was stolen	☐ This account was opened after my divorce		
☐ My identity was stolen	☐ Account was settled/paid. Please provide proof.		
☐ Never applied for this account	Account balance is not accurate. Balance should be		
☐ Never lived at address on record	☐ I am responsible for the sum of		
☐ Account included in bankruptcy; c	se#; filing date; discharge date		
☐ My spouse/family member	is responsible		
☐ Other			
Well ATTEN LETTER LET VER IFILE ATTEN A VER IFILE ATTEN LETTER.	OF THE INACCURACY/DISPUTE: YOU have not provided me CIFICATION OF THIS ALLEGED DEBT. Specifically— THE WITH ANYTHING THAT REARS MY LEGAL SIGNATURE ID ITH THE OTHER ITEMS TREQUESTED IN MY INITIAL ESPONSIBLE FOR THIS ACCOUNT, PLEASE KINDLY ADVISE US BELOW WHO IS		
Name of Person Responsible for the Acc	Data of Pink.		
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Address:			
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Home Phone #			
Do you have written proof of the macc	rracy/dispute? Was a police report filed?		
☐ Yes. If yes, please attach proof o	inaccuracy/dispute to Yes. If yes, please attach a copy of the police report to the	his	
this form.	form.		
□ No	□ No		
	I AM NOT SIGNING THIS FORM, AS YOU HAV * NOT PROVIDED ME ANYTHING WITH MY	ć	
	Signature SIGNATURE AS Date		
AKOMRJM	Signature SIGNATURE AS Date REQUESTED 000 002		

Exhibit "I"



STEP	ENS CITY P HENS CITY, 2265599 5165430311 (800)275-	Virgin 98 -0098	
	Sales R		
Product	Sale	Unit	Final
Description	Qty	Price	Price
SYOSSET NY 11 First-Class L 0.40 oz,	etter		\$0.44
Expected Del	ivery: Fri	04/15/	11
Return Ropt	(Green Car	d)	\$2,30
Certified			\$2.80
Label #:	7010	3090000	225455531
III	,040		25222525

Total:

\$5.54 \$5.54

Paid by: Cash Change Due:

Issue PVI:

\$10.00 -\$4.46

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS. ************* Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes. *******************

Bill#: 1000202653548 Clerk: 01

All sales final on stamps and postage Refunds for guaranteed services only Thank you for your business

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